GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

STARRED QUESTION NO:146
ANSWERED ON:14.03.2005
DIVERSION OF FOREST LAND
Gawali Smt. Bhavana Pundlikrao;Patil Shri Shriniwas Dadasaheb

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Union Government has allowed diversion of forest land for developmental projects and providing public utility facilities;

(b) if so, the norms and conditions fixed in this regard;

(c) the specific areas for which forest land is to be diverted for other purposes;

(d) whether the Government has any reports that forest land in many States has been encroached upon by mafia's and unauthorisedly occupied by them; and

(e) if so, the manner in which the Union Government will ensure that diversion of forest land to the Government departments is not misutilised for other purposes?

Answer

MINISTER FOR ENVIRONMENT & FORESTS (SHRI. A.RAJA)

(a), (b), (c), (d) and (e) : A statement is laid on the Table of the House.

STATEMENT REFFERED TO IN PARTS (a) TO (e) OF REPLY TO THE LOK SABHA STARRED QUESTION NO.146 BY SHRIMATI BHAVANA P. GAWALI AND SHRI SHRINIWAS DADASAHEB PATIL, REGARDING "DIVERSION OF FOREST LAND" DUE FOR REPLY ON 14-03-2005.

(a) Yes Sir.

(b) & (c) A copy of the letter of general approval dated 03.01.2005 is at Annexure.

(d) As per the information received from the State/ UT Governments 13.43 lakh hectare is under encroachments in various states.

(e) Provisions have been incorporated in the guidelines that the diverted forest land should not be used for any purpose other than specified in the proposal, except without prior permission of the Central Government. Moreover, the permission granted by the State/UT Governments, under these guidelines, shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.

ANNEXURE

ANNEXURE REFFERED TO IN PARTS (b) TO (c) OF REPLY TO THE LOK SABHA STARRED QUESTION NO.146 BY SHRIMATI BHAVANA P. GAWALI AND SHRI SHRINIWAS DADASAHEB PATIL, REGARDING "DIVERSION OF FOREST LAND" DUE FOR REPLY ON 14-03-2005.

F.No.11-9/98 - FC
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110 003.
Dated: 03-01-2005

To
The Principal Secretary (Forests),
(All States/UTs).

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - General approval under Section 2 of Forest (Conservation) Act, 1980, thereof.

Sir,

Central Government believes that development and conservation should go hand in hand. This is a constitutional requirement of a welfare State like India which has also been emphasized by the Supreme Court from time to time. The tenet is embodied in the spirit of the Forest (Conservation) Act, 1980. Awareness among the people for conservation of environment is bound to come from within, provided the other developmental requirements of food, fibre, education, health, and communication etc., are satisfied. Central Government is committed to expedite its efforts for developmental activities in forest areas to cover the largest possible population of tribal and forest dwellers. To tackle the problems of sensitive areas on socio-economic front, the Central Government is all set to facilitate speedier execution of essential developmental activities.

Government of India is of the view that development of tribal villages/forest fringe villages can be ensured by providing basic and essential developmental facilities and sense of security in sensitive areas without compromising on environmental considerations and a balance has to made between the economic/ developmental considerations on one hand and ecological considerations on the other. It is imperative that for the creation of these facilities in forest/forest fringe area, most of the land requirement would have to be met from the forest lands.

A small beginning in this direction has been made when general approval under Section 2 of Forest (Conservation) Act, 1980, was accorded for underground laying of electricity cables and electric wires to individual households, drinking water supply/water pipelines, telephone lines was accorded under certain conditions vide para (iii) of the Guidelines of this Ministry`s letter No.2-1/2003-FC dated 20-10-2003, which is reproduced as under:

`In the tribal areas, there shall be general approval under Section-2 of the Forest (Conservation) Act, 1980 for underground laying of electricity cables and electric wires to individual households, drinking water supply/ water pipelines, telephone lines, which involve felling of trees not exceeding 50 number per project(should be below 60 cm. girth class) and are outside National Parks or Wildlife Sanctuary and are laid along the roads and within the existing right of way. This general approval shall be subject to the condition that the Nodal Officer shall certify compliance. Records of such works undertaken shall be maintained by the Nodal Officer and the Territorial DFO. Nodal Officer shall send quarterly report to concerned Chief Conservator of Forests (Regional Office) for monitoring purpose. In lieu of felling of trees, five times of the number of felled trees shall be planted by the User Agency at or near the site. Any deviation, shall require permission from the Central Government under the Forest (Conservation) Act, 1980.`

The issue of according general approval in case of some critical developmental and security related activities has again been reviewed by the Ministry of Environment and Forests holistically, and it has been found appropriate that extension of approval for some other critical developmental and other initiatives meant for people`s welfare and security, will go a long way in educating the masses, generating awareness and seeking their cooperation in conservation, regeneration and restoration of degraded forest and creation of a sense of security among them.

In view of the above, and in addition to general approval already given for certain activities as stated above, the Central Government, hereby conveys its general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land to Government Departments for following activities:

1. Schools;

2. Dispensary/hospital;

3. Electric and telecommunication lines;

4. Drinking water;

5. Water/rainwater harvesting structures;
6. Minor irrigation canal;

7 Non-conventional sources of energy;

8. Skill up-gradation / vocational training centre;

9. Power sub-stations;
10. Communication posts; and

11. Police establishments like police stations / outposts / border outposts / watch towers, in sensitive areas (identified by Ministry of Home affairs).

The general approval shall be subject to fulfilment of following conditions:

(i) The forest land to be diverted for above-mentioned specified developmental works should be less than one hectare in each case.

(ii) The clearance of such developmental projects shall be subject to the condition that the same is need based.

(iii) The legal status of the land shall remain unchanged i.e. shall remain Reserved/Protected/Village/Unclassed/other types of forests/forest as the case may be.

(iv) The User Agency shall submit the project proposal to the State / UT Government in the prescribed format i.e. Form-A as provided in Rule-6 of the Forest (Conservation) Rules, 2003.

(v) The project should not involve felling of more than fifty number of trees per hectare. Corresponding permissible limit of maximum number of trees to be felled for the forest area diverted, shall be in proportion to the extent of the diverted area.

(vi) The project site should be outside National Parks or Wildlife Sanctuary or Protected Areas.

(vii) The concerned Divisional Forest Officer shall assess the bare minimum requirement of the forest land for the project, which shall not exceed one hectare in each case and will also certify to this effect.

(viii) The User Agency will seek permission for diversion of forest land duly recommended by Principal Chief Conservator of Forests, from the State/UT Government.

(ix) The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned Regional Office by 5th of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State / UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.

(x) The User Agency shall plant and maintain two times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (preferably within or in the surrounding area of the project). Only indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department. Trees, planted in surrounding area, will belong to State Forest Department.

(xi) The User Agency shall be responsible for any loss to the flora / fauna in the surroundings and, therefore, shall take all possible measures to conserve the same.

(xii) The User Agency shall pay the Net Present Value (NPV) of the diverted forest land as established by law.

(xiii) The permission granted by the State Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.

(xiv) The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980. Request for such changes shall be made to the Regional Office by the Nodal Officer (Forest Conservation) of the State/UT.

(xv) The State Forest Department / State Government or the concerned Regional Office, may impose from time to time any other condition in the interest of conservation, protection and/or development of forests.

This general approval under the Forest (Conservation) Act, 1980 is granted initially for a period of two years ending 31.12.2006 and will be subject to review thereafter.

Yours faithfully,

Sd/-

(ANURAG BAJPAI)
Asstt. Inspector General of Forests

Copy to:-

1. PMO (Atten.: Shri K.V. Pratap, Deputy Secretary), New Delhi.

2. Secretary, Ministry of Home Affairs, New Delhi.

3. Secretary, Planning Commission, New Delhi.

4. Secretary, Ministry of Rural Development, New Delhi.

5. Secretary, Ministry of Tribal affairs, New Delhi.
6. All PCCFs/Nodal Officers (All States/UTs).

7 All Regional Offices, Ministry of Environment and Forests.

8. Director General of Police (All States/UTs).

9. Director(FC) / AIGs(FC).
10. File No. 2-1/2003-FC
11. Guard file.